

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RICHARD W. LEWIS,

Plaintiff,

v.

LINDA AND TYRONE DUFF,

Defendants.

03:99-CV-00386-LRH-RAM

ORDER

Before the court is a motion to dismiss for lack of subject matter jurisdiction (# 379) filed by Linda and Tyrone Duff (the "Duffs"). No opposition has been filed. This court has jurisdiction pursuant to 28 U.S.C. § 1331 as this action arose under the laws of the United States. Specifically, plaintiff Richard Lewis brought this action under 42 U.S.C. § 1983. The fact that Plaintiff cannot prevail in this action does not affect the court's subject matter jurisdiction.

IT IS THEREFORE ORDERED that the Duffs' motion to dismiss (# 379) is hereby DENIED.

IT IS SO ORDERED.

DATED this 3rd day of September, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE